

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK**

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ALEXA GROSSMAN, individually on behalf	:	
of herself and all others similarly situated,	:	
	:	
Plaintiff,	:	Case No. 2:20-cv-01603
	:	
v.	:	
	:	
SIMPLY NOURISH PET FOOD COMPANY	:	
LLC and PETSMART, Inc.,	:	
	:	
Defendants.	X	

NOTICE OF MOTION TO DISMISS

PLEASE TAKE NOTICE that, pursuant to the Local Rules of the United States District Courts for the Southern and Eastern Districts of New York, as well as Rules 12(b)(1) and 12(b)(6) of the Federal Rules of Civil Procedure, and based on defendants PetSmart, Inc.'s and Simply Nourish Pet Food Company LLC's accompanying Memorandum of Law in Support of its Motion to Dismiss, and the Declaration of Keri E. Borders and exhibits thereto, the undersigned hereby will move this Court before the Honorable Kiyo A. Matsumoto at the United Stated District Court for the Eastern District of New York, located at 225 Cadman Plaza East, Brooklyn, New York 11201, on a date and time to be determined by the Court, for an order dismissing the Class Action Complaint (ECF No. 1) with prejudice, on the grounds that (1) plaintiff fails to plausibly allege that she was, or that a reasonable consumer would be, deceived; (2) plaintiff lacks standing to pursue her claims; and (3) plaintiff fails to adequately plead her additional state-law claims.

Dated: July 10, 2020

Respectfully submitted,

By: /s/ Keri E. Borders
Keri E. Borders

MAYER BROWN LLP
Dale J. Giali
Keri E. Borders
350 South Grand Avenue, 25th Floor
Los Angeles, California 90071
Telephone: (213) 229-9500
Facsimile: (213) 625-0248

Attorneys for Defendants
PETSMART, INC. AND SIMPLY NOURISH PET
FOOD COMPANY LLC